IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1385 OF 2007

Shri Ramesh Patil ....
Petitioner
V/s
Chief Executive Officer & Ors..... .....
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.Manisha Vikha h/f Mr.Bhavesh Parmar, Adv. for the petitioner.

Mr.A.S.Khandeparkar i/by Khandeparkar & Associates for respondent No.2.

CORAM: A.P. DESHPANDE, J.
17.4.2007

PC:

An interlocutory order rejecting the application seeking appointment of Court Commissioner for spot inspection passed in appeal under section 35 of Maharashtra Slum Areas (I.C.R.), 1971 by the Administrator & Divisional Commissioner is challenged by filing present writ petition. The Appellate

Authority has found that it is not necessary to appoint the Court Commissioner for collecting evidence. Learned counsel for the respondent has pointed out that final arguments in the main appeal itself are concluded and hence at this stage no interference in exercise of writ jurisdiction is necessary. In this view of the matter I decline to interfere with the interlocutory order under challenge. However I leave all questions raised in this petition open for being raised by the petitioner before the appropriate Forum and in appropriate proceedings. Writ petition is thus summarily dismissed.

17.4.07.